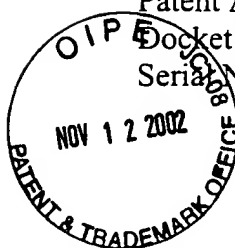


I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231 on August 23, 2001.

Frank C Eisenschenk
Frank C. Eisenschenk, Ph.D., Patent Attorney

DECLARATION
Examining Group 1617
Patent Application
Docket No. UTR-104
Serial No. 09/654,357



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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Examiner : Helen Nguyen
Art Unit : 1615
Applicants : Michael B. Zemel, Hang Shi, Paula C. Zemel
Serial No. : 09/654,357
Filed : September 1, 2000
For : Materials and Methods for the Treatment or Prevention of Obesity

Commissioner of Patents and Trademarks
Washington, D.C. 20231

DECLARATION OF DR. MICHAEL B. ZEMEL

Sir:

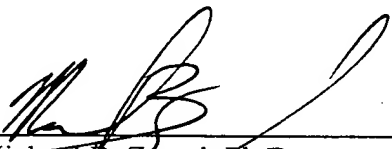
DR. MICHAEL B. ZEMEL DECLARES:

1. THAT, I was interviewed by Jean Carper of the USA Weekend Magazine for her article or column entitled "EatSmart". This article was published on the weekend of August 18-20, 2000;
2. THAT, the information disclosed within this article or column relating to the subsection "Milk is a new diet drink." originated, or was obtained, from me during the course of the interview;

3. THAT, Jean Carper did not conceive of, or invent, the subject matter disclosed in the "Milk is a new diet drink." subsection of the USA Weekend article or column of August 18-20, 2000; and
4. THAT, the University of Tennessee researchers cited in the article "Milk is a new diet drink." (at lines 4-5) refers to the inventors of the subject matter claimed in this patent application and/or individuals under my direction or control or the direction or control of the other inventors.

I hereby further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Further, Declarant sayeth not.

By: 
Michael B. Zemel, Ph.D.

Date: August 22, 2001